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Publications

# Update

Commission on Systemic Racism in Ontario Criminal Justice System

## Commission Finds Racism Behind Bars

### Interim report on Ontario's correctional system released

The Commission's interim report, *Racism Behind Bars*, released on February 1st, 1994 in Toronto and Ottawa, says both overt and

systemic racism exist in adult and youth prisons in Ontario. It found racial hostility and intolerance in prison environments, racial segregation of prisoners within and among prisons, and racial inequality in the delivery of prison services.

"There are certainly some very serious issues that the Commission has brought forward," said Solicitor General, David Christopherson. "Some of the findings are disturbing...Prison racism cannot be tolerated."

In spite of its findings the report says, among the existing management of the prisons in Ontario, there are women and men who are capable of rising to the challenge of eliminating racism. What is required is an aggressive commitment to this goal.

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### HOW TO GET COPIES

Copies of *Racism Behind Bars* are available from: Publications Ontario, 880 Bay Street, Toronto, Ontario. Mail order customers may contact: Publications Ontario, 50 Grosvenor Street, Toronto, Ontario M7A 1N8.

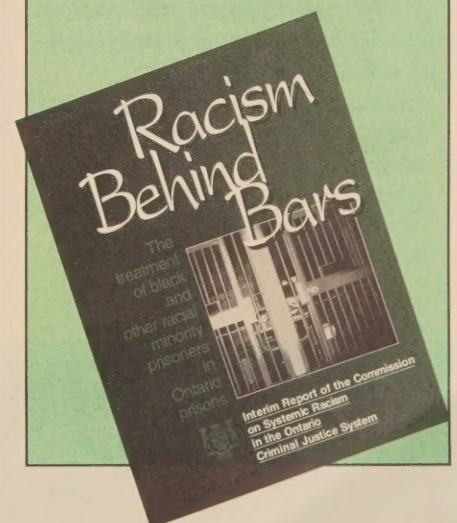
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# Correctional Services Ministry Response to Commission's Interim Report

## Minister demands accountability from senior staff

In response to the Commission's interim report, David Christopherson, Solicitor General and Minister of Correctional Services announced new measures to eliminate systemic racism in Ontario's correctional institutions. These include:

- the appointment of a Co-ordinator of Anti-Racism Initiatives who will oversee the implementation of local anti-racism strategies, monitor the resolution of complaints, and consult in the development of work site committees;
- widespread staff training in work place discrimination and harassment prevention; the training focuses on awareness of these problems; standards of behavior expected of all Ontario public service employees; and the obligation of the management to act promptly in response to complaints;
- the development of a statement of ethical principles for correctional employees, produced by and for correctional staff with wide consultation among ministry employees, including both union and management representatives;

- the reinstatement of funding for some ethno-specific services for racial minority offenders; the services include same language/same culture counselling services;
- changes to some managers' job descriptions and internal procedures to ensure those in charge fully understand their responsibilities for preventing and resolving complaints of racist language or behavior;
- the selection of four work sites to take part in a pilot project to establish local workplace anti-racism committees designed to foster greater staff awareness of racial diversity. The local committees, which will be made up of representatives from a cross section of occupations in the workplace, will review local issues relating to race and culture and co-ordinate staff information and education on these issues.

Over the long term these strategies will be monitored by the Cabinet Roundtable on Anti-Racism, which includes representatives from several racial minority communities.

Following the release of the Commission's interim report, the ministry put an immediate stop to sending prisoners on remand from Toronto to the Hamilton-Wentworth Detention Centre to await their trial. The practice, which resulted in racial segregation and disadvantages for black prisoners, is being reviewed by the correctional services ministry.

Christopherson said, "I think the significant thing I got from the report was that there is no one specific initiative or one particular recommendation that is going to solve the problems that are there. We need a major change in the culture of the ministry and I'm committed that we do just that."

**The Minister's commitment to act on the Commission's recommendations includes demanding "direct accountability for all people in positions of authority with particular emphasis on the role of superintendents. Mr. Christopherson emphasized that "anybody who decides that this is not important enough of an issue is going to find themselves in some very serious trouble."**



**COMMISSIONER**  
*Co-Chair*  
**Margaret Gittens**



**COMMISSIONER**  
*Co-Chair*  
**David Cole**



**COMMISSIONER**  
**Moy Tam**



# Commission Hits the Road

## Ontarians speak their minds about our criminal justice system

Beginning in Thunder Bay, the Commissioners travelled hundreds of kilometers to hear the experiences, views, reform options, solutions and recommendations of Ontarians in Sudbury, Ottawa, Windsor, Chatham, London, Kingston, Napean, Hamilton, Toronto, Scarborough, North York, Mississauga, Brampton, City of York, Oshawa, Pickering and Ajax.

Detailed written submissions, insightful comments, small group discussions, emotional personal accounts and angry questions are just some examples of what the Commissioners received during their seven week tour across Ontario.

Individuals and groups, youth, women and men from diverse racial and cultural backgrounds participated in the Commission's 57 public forums. The tour also attracted widespread media coverage. Interviews with Commissioners and participants at the public forums were featured in television, radio and newspaper stories across Ontario.

In an effort to make the Commission as accessible to as many people as possible, the Commissioners travelled to as many cities as they could given the time constraints.

Afternoon and evening sessions were held to make it easy for people to participate.

***"I think it would be irresponsible for a royal commission not to go out on the road. It's an essential of democracy. You have to give people an opportunity to come and talk to you."***

*Co-Chair, David Cole in an interview with the Law Times - Nov. 29-Dec.5/93)*

Commissioners heard from over 600 people during their tour. Participants in the public forums included youth and youth group representatives, women's organizations representatives, prisoners, advocates, lawyers, judges, students, professors, union representatives, correctional officers, activists, police personnel, court workers, politicians, community organization spokespeople, and concerned citizens.

The Commissioners found that it was important for them to be flexible in each community they visited. Issues and styles of presentation varied from city to city. In Thunder Bay Commissioners heard there is racism and discrimination in the courts. While its (the Commission's) focus is on anti-Black racism in urban centers it mostly heard about Aboriginal issues in Thunder Bay." (The Chronicle Journal, Thunder Bay-Oct. 5/93)

In some locations as many as 60 to 70 people gathered, in other locations much fewer.

In Regent Park where the attendance was not as large as expected, participants indicated they preferred a small group discussion rather than the formal hearing format. In this community, which has seen many task forces and commissions come and go, participants said some people did not attend the forum because they are uncomfortable discussing the painful issues of racism in a public setting.

The public forums were only one method the Commission used to gather information. People had many other opportunities and settings in which to speak to the commission in the months leading up to the public forums.

Commissioners and research staff did extensive work to identify the many issues to consider in looking at systemic racism in the Ontario criminal justice system. These are outlined in the Commission's *Discussion Document*. The book was well used during the public forums by participants to help focus discussion on some critical and often difficult issues.

The voice of participants were varied. Commissioners are now faced with the challenge of accurately representing these divergent views and concerns of Ontario's citizens and providing direction for a more fair and equitable criminal justice system.

These are some of the comments we heard at the public forums in response to various questions posed in our *Discussion Document*.



**COMMISSIONER**

**Sri-Guggan Sri-Skanda-Rajah**



**COMMISSIONER**

**Toni Williams**



**COMMISSIONER**

**Ed Ratushny**



## Mandate of the Commission

**We explained that the Commission is looking at the extent of systemic racism in the Ontario criminal justice system.**

We were told:

"The biggest obstacle facing anyone who has ever had to fight against racism is convincing people that it exists."  
(Althea Samuels, Ottawa)

"In my view there is no racism, systemic or otherwise in the Ontario Criminal Justice System. If racism is perceived to exist, it is only in the minds and actions of elected officials, self-interested groups and individuals who see systemic racism as a "good political tool" to grasp onto whenever they want publicity or when a group needs a reason for lawlessness."  
(Dennis Doyle, Oshawa)

"I would like to address a system that discourages anything that is culturally different from what the system is used to."  
(Jim Commandant, Onkwehohwe Anti Racism Alliance)

## Schools, Youth and Police

**We asked if police presence in schools should be reduced or modified.**

We were told:

"Youth mistrust police. Many youth have had experiences that have led them to believe that police are out to get them.... We need to introduce different cultures to the police to better understand youth and vice versa. Increase community policing and increase the amount and ways of communication."

(Cross Cultural Youth Alliance, Ottawa)

"Police presence in schools should be both reduced and modified. Police presence in school may create more tension and mistrust among minority youth, particularly when they realize that they are constantly treated differently and unfairly for the same acts committed by white students."

(Frances Henry,  
Ottawa Carlton Immigrant  
Services Organization)

## Community Policing

**We asked how communication can be improved between the police and racial minority communities.**

We were told:

"You Fit the Description - I am here today because I know that Sophia Cooke (shot by Toronto police), Rolanda Coe (manhandled by Hull police) or Audrey Smith (strip searched on a street corner) could have been me, my mother, my daughter,

because we all "fit the description."

"I am here today because I know that Marcelle Francois (shot in a case of mistaken identity by Montreal police), Vincent Gardener (shot by Napean police in a botched drug raid) and the many others could have been my brother, my father, my uncle, my cousin because they all "fit the description."  
(Althea Samuels, Ottawa)

"Issues of racism and racially insensitive conduct are deeply felt by those of us who seek to move our professions beyond the pedantic. Often, however, we in the forefront of policing are cast as insensitive, uncaring, resistant to change, and in active stages of denial that a problem exists. Nothing could be further from the truth. We seek only to share in the process so that we too may develop strategies to redress the unconscionable."  
(Deputy Chief Christine Silverberg, Hamilton-Wentworth Regional Police Services/Ontario Association of Chiefs of Police)



News Conference, Feb. 1/94, Toronto.

(Share Newspaper)



## Court Processes

**We asked how can a high standard of interpretation services be ensured for black and other racial minority accused and victims.**

We were told:

"...sensitivity to language problems of racial minorities must be dealt with as a priority in the criminal justice system. To some extent, this issue comes under the discretionary powers of police, court staff, lawyers, and correctional services who access the language needs and decide whether or not to provide the assistance of interpreter/translator...the system should not rely on volunteers, but enlist a group of appropriate people, train them to provide services and use them on a fee-for-service basis. This will ensure ready access to interpretation services when required, even in some smaller communities."

*(Professor James Chacko, Windsor)*

**We asked if there should be clearer and more detailed guidelines for sentencing.**

We were told:

"In terms of sentencing, it was not uncommon for persons to return to the detention centre and not understand what had happened in court. They may have been unsure why their lawyer gave them certain direction, they may not have understood the implications of the outcome. There is not sufficient effort to ensure understanding on the part of the accused."

*(Nicki McShane, John Howard Society Kingston and District)*

"Community sentencing options which allow the offender to make reparation to the victim, or the community, are the most potent demonstrations of reconciliation and are, therefore, priority as sentencing options, particularly for offenses where the victim is an individual."

*(Barbara Hill, The John Howard Society of Ontario Reform Office, Kingston)*

"Some defense attorneys play games. 'I know you aren't guilty. The police say you are. The crown says you are. So let me cut you a deal. You plead guilty, you'll get 18 months. You do six as easy as that.' The black accused says 'You didn't hear me, man. I didn't do anything.' Defense counsel says, 'Take it or leave it.' Most do, do they have a choice?"

*(Al Peabody, Civil and Human Rights Advocate, Toronto)*

## Attitudes and Human Resource Issues in the Criminal Justice System

**We asked about the attitudes of criminal justice personnel.**

We were told:

"Let me speak briefly of my own experience as a lawyer. For the past several years, I have worked mainly with tenants, injured workers, the poor and recent immigrants. Over and over again, my clients' legal difficulties have been compounded by the prevailing attitudes of prosecutors and judges - almost all of whom are middle class anglophones who treat with scorn, disdain and open contempt the stumbling, nervous efforts of my clients to defend their rights in a form which is foreign to them."

*(Denise Giroux, lawyer, Hamilton)*

## Public Policy Process

**We asked how black and other racial minority groups can become more involved in agency and ministry strategic planning and priority setting.**

We were told:

"Community-based organizations are a ready-made and invaluable source of 'grassroots thinking.' Their existence speaks directly to the neglect, exclusion and non-respect felt and experienced by racial minorities in law and in society."

*(Antoni Shelton, Urban Alliance on Race Relations, Toronto)*

"I know many of the people who work in the justice system, many I consider friends. I know them to be conscientious and honorable men and women. They must, however, in my submission, accept as the police have, that the community needs to be consulted and listened to. Although a simple concept, I know from personal experience that it can be an intimidating experience. However, once a rapport has been reached, the community becomes an ally and a resource."

*(Brian Ford, Chief of Police, Ottawa)*

**We asked if there are areas in which race statistics might help government or black and other racial minority communities to combat systemic racism.**

We were told:

"The absence of data affects the development of pro-active policies and services which would prevent economically marginalized racial minorities from becoming victims of discrimination in the criminal justice system. Hence it is recommended that appropriate data documentation



and collection procedures be established with regulated conditions for their use and application.

*(Professor James Chacko, Windsor)*

"The information to be gleaned from statistics...would surely be preferable to the current atmosphere of conjecture on the part of the media and members of the public, be they racist or fair minded citizens. We cannot bury our heads in the sand and say, "It's not true!" "Yes it is!" "No it isn't!" "Yes it is!"

*(Kevin Duffy, Mississauga)*

## Race and Gender

**We were cautioned to recognize the significance of issues of race and gender.**

"...We urge this Commission to recognize that issues of race and gender are inseparable and recommend that these issues be acknowledged, and be dealt with in their complexity as they occur. Any failure to acknowledge the discrimination which women of colour, refugee women and immigrant women face within the justice system can only be construed as an unwillingness to accord these women equality."

*(National Association of Women and the Law, The National Organization of Immigrant and Visible Minority Women of Canada, and The Canadian Association of Elizabeth Fry Societies, Ottawa)*

## Aboriginal Concerns

**We explained that the Commission is not formally researching issues of systemic racism as they affect the Aboriginal communities and the criminal justice system.**

We were told:

"I would ask that you meet with the Aboriginal organizations and share with them what you have so that nothing you are recommending undermines, conflicts, contradicts the goals of Aboriginal groups that are also working towards basically the same ends but from a different position."

*(Jessie Russell, Thunder Bay)*

"We want to strongly encourage that full support be given to Native communities that are trying to discover or re-discover how to keep peace, and pursue healing when that peace is broken."

*(Rick Bauman, Mennonite Central Committee Ontario, Kitchener)*

# Commission Research

## Issues to be included in the final report

Issues were identified by the Commission in its initial stages of work through consultations with various stakeholders, visits to correctional institutions, and review of other research.

The research projects formulated by the Commission to address these issues are ground breaking in many respects. The issues are enormous and complex.

## Some of the areas researched by the Commission include:

Access to Justice Policy  
Alternative Measures  
Alternative Models to Current Criminal Justice Practice  
Archival Review of Race and Criminal Justice 1800-1960  
Bail  
Broadcast Media  
Criminal Justice Interpretation Services  
Community Policing  
Criminal Injuries Compensation Board  
Crown Discretion  
High Profile Case of Police Shootings  
Integrated Statistical Analysis of Court Discretionary Decisions  
Judicial Attitudes  
Juries  
Legal Aid  
Literature Review - Citations  
Literature Review - Abstracts  
Misconduct and the Discipline of Prisoners

Offender Demographic Profile  
Over-policing of Youth in Public Spaces  
Parole  
Participation of Racial Community Groups in Criminal Justice Policy  
Perceptions of the Ontario Criminal Justice System:  
Survey of the General Toronto Population  
Police Complaints Commission Process  
Print Media  
Prison Violence  
Probation  
Race and Crime Statistics Debate  
Schools, Youth and the Police  
Temporary Absence Program  
Working for Justice  
Youth in Court



# Outreach Access Grants Program

## Grants help give community a voice

The Commission initiated a community grants program in the summer of 1993 to encourage the participation of black and other racial minority groups who are historically and systemically discriminated against. The small grants assisted groups to prepare submissions to the Commission. Groups who have previously been unable to take part in developing solutions to issues included in the Commission's Terms of Reference because of barriers such as language or age (youth) responded to the program.

## Outreach Access Grants Recipients

Aboriginal Consultation  
African Canadian Youth  
Literacy Project  
Association des juristes  
africains - Canada  
Ayiti-Racine  
Bangladesh Awami Society  
Black Inmates & Friends  
Assembly  
Caribbean Association  
of Peel  
CHRY 105.5. FM  
Community Radio  
Coalition for the Eradication  
of Violence Against Women  
& Children in the Spanish  
Speaking Community  
Community Centre 55

Conflict Mediation Services of  
Downsview  
Consortium for Youth Empowerment  
Dixon Hall/Black Perspectives  
Ethnic Minority Youth Council  
Family & Credit Counselling Services  
- York Region  
Federation of Sikh Societies  
of Canada  
Harambee Centre Canada  
Korean Canadian Women's  
Association  
League for Human Rights of  
B'Nai Brith Canada,  
Ontario Region  
Metro Toronto Chinese &  
Southeast Asian Legal Clinic  
National Association of  
Japanese Canadians  
National Council of Canadian  
Filipino Associates  
SINAG Research & Education  
Centre  
Somali Immigrant Aid  
Organization  
Street Outreach Services  
Tamil Resource Centre  
Urban Alliance on Race  
Relations  
Vietnamese Association  
YES OH YES Drama Outreach  
Youth Communication

## THE COMMISSION

The Commission on Systemic Racism in the Ontario Criminal Justice System was established in October 1992 to investigate and make recommendations about policies, procedures, and practices of the criminal justice system that may result in systemic racism. Its Terms of Reference direct the Commission to examine the experiences and vulnerabilities of all racial minority communities, with a main focus on systemic racism as experienced by black people, women, and youth.

**The Commission has been  
extended and will submit  
its final report by  
December 31, 1994.**

## COMMISSION ON SYSTEMIC RACISM IN THE ONTARIO CRIMINAL JUSTICE SYSTEM



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